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STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S  
SECDEF FOR OSD/ISP  
JOINT STAFF FOR DD PMA-A FOR WTC  
COMMERCE FOR BIS (GOLDMAN)  
NSC FOR DICASAGRANDE  
WINPAC FOR WALTER

E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR THE  
PERIOD MARCH 20-31

This is CWC-28-06.

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ARTICLE VII  
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¶1. (U) New facilitator Maarten Lak (Netherlands) held a March 30 consultation, the first of a series of Article VII consultations. Lak announced that Special Advisor Krzysztof Paturej would be the new Article VII "go to" person, replacing the now departed Ralf Trapp. Lak, in company with Legal Advisor Santiago Onate and head of ICA John Makhubalo, then presented a draft work program (e-mailed to ISN/CB) and invited comment. Major elements included 1) introduction of a "Points of Contact" concept analogous to that from the Universality Action Plan and 2) prioritization of outreach efforts to countries that have yet to establish National Authorities and/or pass implementing legislation. Iran supported by India opposed outreach efforts not specifically included in the CSP-10 decision, opposing in principal the idea of POCs, prioritizing outreach efforts, or weekly consultations on Article VII. (Nte: Iran opened its intervention, noting that OPC has other 2006 priorities, emphasizing the issue of CW destruction and full implementation of Article XI; an early warning sign of potential future linkages.) The next consultation will be Thursday, April 6.

¶2. (U) The TS reported that since the November CSP, it has attempted to meet with representatives of states that have yet to establish a National Authority. With those representatives with which the TS has successfully contacted, the message is that CWC implementation is low on their capitals' priorities list, but the ambassadors agreed to intercede in their capitals to attempt to increase awareness regarding the importance (and priority) of CWC implementation. Despite its best efforts, the TS was unable to contact Afghanistan, Bhutan, Haiti, Mauritania, Micronesia, Nauru, Samoa, Timor Leste, and Tuvalu, primarily because these states do not have representatives in The Hague or nearby capitals.

¶3. (U) Onate announced that Yemen notified the TS on March 29 that it had established a National Authority, leaving 25 States Parties without a NA. Interventions from a number of

delegations announced that Afghanistan, Madagascar, Samoa, and Tanzania have included in their implementing legislation the establishment of National Authorities. In these instances it will be important to monitor legislative progress to ensure passage and establishment of National Authorities by EC-47 November 2006). Finally, Onate informed delegations that no states have submitted implementation plans as required by the CSP follow-on decision.

¶4. (U) China suggested that, similarly to what is now done for Universality, the TS should consider press releases for each state that establishes its National Authority and/or completes its legislative efforts. This could reward proactive states while pressuring (a bit) those states that have yet to communicate their implementation status. This idea received wide support, although Italy noted that the press releases probably would not reach the states in most need of communication. Tunisia, supported by numerous delegations, asked the TS for its Article VII-related activities schedule, so that individual outreach efforts did not conflict with TS efforts. The TS responded that the overall activities list had been provided to delegations some time ago (this was news to those of us in the room), but indicated, when pressured, that it would provide delegations the specifics of the Article VII efforts. Mexico, supported by Iran and the U.S., stressed the importance of setting priorities (e.g. establishment of National Authorities first), so that SPs and the TS can tailor their approaches to achieve our objectives.

¶5. (U) Canada, Japan, New Zealand, the UK, and the U.S. stressed the importance of Technical Assistance Visits (TAVs) in capitals, and asked the TS if it had the resources to respond to countries that requested such assistance. Onate responded that no, the TS Article VII-related budget fell by over 30 percent compared to last year, due to restructuring of or lack of 2006 voluntary contributions. Instead, it planned to hold TAVs on the margins of the planned regional and sub-regional meetings of National Authorities. Delegates opposed this, noting that the most effective outreach occurred in capitals, where all relevant agencies could participate in drafting efforts and discussions of establishment and functioning of National Authorities. Several delegations stressed that the plan must be considered with respect to which states requested TAVs. Delegations -- including Iran and India -- again noted the importance of tailoring approaches, emphasizing that they are better done in capital. (Makhubalo noted privately to del rep that he will be hosting a Tuesday, April 4 meeting of current and former donor states and invited del rep to attend.)

¶6. (U) A number of delegations noted the importance of prioritizing outreach efforts. Germany stated that other states are more relevant than the small Pacific island states, and several delegations supported a more regionally-based outreach effort. New Zealand discussed the difficulties of initiating outreach efforts with the Pacific Island Forum states. They might be represented at the UN in New York, but Niue and Cook's Islands are not UN members. In any event, the UN representatives would not be the appropriate persons with which to speak. Many are represented in Auckland, and the New Zealand High Commissioner has raised CWC implementation with them, but New Zealand has a number of bilateral issues to address with them, so this venue has limited impact. Italy was the sole delegation that opposed distinguishing between new states and those who have been members for a long time.

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¶7. (U) Facilitator Betsy Sanders (U.S.) held a March 27 consultation to consider the draft annex to the declarations handbook, the draft decision, and the TS response to an

Italian request for information on classification of facility agreements (FAs). Luis Cavalheiro (Brazil/TS) presented the results of the TS study of how facility agreements have been classified by SPs since EIF, in response to an Italian request. In spite of the OPCW Policy on Confidentiality recommending that these be classified Protected, in reality 72 percent have been unclassified. The remaining FAs are mostly highly protected (in a private remark, the Iranian del rep said that the latter category probably include the FAs for the Single Small Scale Schedule 1 facilities). Italy, supported by Norway, requested that the example be attached to the annex; Iran opposed this.

¶18. (U) Delegations agreed that the draft Confidentiality annex is now acceptable, and after approval of EC-45 report language, the TS may distribute it to NAs as a supplement to the declaration handbook. Delegations also are agreed on the TS "outreach and training" elements. What remains to be

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decided is procedural: whether delegations document these elements via EC decision or EC report language. Iran and India strongly prefer using EC report language; Norway, France, and Japan prefer a decision that would puts in proper context the discussion over the past year. Rob Simpson, head of the Office of Security and Confidentiality, noted a decision would back up OCS concerns and enhance the likelihood that necessary actions would be taken. A number of delegations indicated their flexibility, although they had a slight preference for the decision route (Italy, Canada, Norway, France, and Romania). The next consultation is tentatively set for the first week of May.

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CLINGENDAEL INSTITUTE -- ISSUES FOR THE SECOND REVCON  
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¶19. (U) The facilitator, Peter van Ham (Director Global Governance Research Programme, Clingendael Institute) moderated the discussion, noting first that Chatham House rules apply. To stimulate debate, Ham opened with three statements: First, it is clear that Russia and the U.S. will not make 2012, and invited discussion of the implications. Second, in the non-proliferation and counter-terrorism (CT) arenas, are there still concerns regarding accuracy of declarations, or CWC compliance concerns regarding activities in Russia, Iran, and Sudan? What is the impact of PSI? Does PSI have any mandate that includes CW agents and precursors? Finally, where is the OPCW going? Will delegations prepare for the RevCon by following issues or will they fall back to an article-by-article review?

¶10. (U) Attendees agreed that CW destruction is key. Delegations noted strong concerns regarding the credibility of the Convention if all possessors were not able to destroy their CW stocks by the 2012 deadline. Several expressed views that the CWC will remain relevant after 2012, but SPs will have to consider carefully how to maintain its credibility. Two attendees noted that full, complete and nondiscriminatory implementation remains essential. Two attendees noted the need for balance created a parallel between the necessity to pressure SPs to implement Article VII and the need to push possessors to complete CW destruction by 2012.

¶11. (U) One delegate summarized OPCW CT initiatives since ¶2001. A number of attendees expressed the view that CT is not a primary OPCW role, but the action plans on Article VII implementation and Universality are significant contributors because they include criminalization of states' citizens' activities. In addition, delegations have exchanged information regarding national CT activities, creating an information bridge. Expeditious destruction of CW stockpiles also is a key contributor. Industry's safe handling of hazardous chemicals also contributes to the CT effort. Finally, a view was expressed that in the longer-term, it will be necessary to consider the need and how best to declare and/or license research laboratories.

¶12. (U) Attendees considered how best to prepare for the April 2008 Review Conference. First, attendees noted that the RevCon was not an amendment conference, as suggested by the Clingendael experts. Non-lethal weapons are covered by the Article 2 all purpose criterion, although there is a special exemption for Riot Control Agents. When raised by the Clingendael experts, attendees noted that one significant issue to consider is how chemical developments should be used to update OPCW activities, i.e., how to include new generations of CW agents. Attendees noted that this was a long-standing issue, not expected to be resolved any time soon. Attendees also noted that in conjunction with the Scientific Advisory Board, delegations probably would recommend the RevCon consider how best to proceed. Finally, one delegation noted the importance of resisting the temptation to deviate from OPCW's object and purpose.

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REPAYMENT PLANS  
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¶13. (U) The new facilitators (Florian Antohi of Romania and Jae-woong Lee of South Korea) held their first consultations on options for regularizing member states' arrears of annual contributions on March 31. Approximately eighteen delegations attended, though surprisingly only two GRULAC delegations (Brazil and Peru) attended. The TS distributed an eight-page supporting information paper on the issue and the facilitators distributed a non-paper on a mechanism for SPs to regularize the payment of their dues to the OPCW. Both papers were sent back to ISN/CB. The facilitators had hoped to hear brief general comments on both papers, and then continue through the issues to be considered that had they raised in Part III of their paper. The remainder of the consultation, however, was spent with delegations giving their general views on repayment plans rather than addressing the facilitator's non-paper.

¶14. (U) The Director General also attended and began the meeting by stating that the TS was committed to helping SPs in arrears regularize their payments to enable them to become SPs in good standing. He noted that many other international organizations had established payment plans.

¶15. (U) The U.S. thanked the DG and budget chief Rick Martin for attending the consultation and pledged U.S. support for working towards a solution to the arrears problem. France too pledged its support and added that it would be important to find a mechanism by which some or all of scheduled payments received through repayment plans could be applied towards the current year's assessment. Japan supported the consultations, but said that Tokyo would need to see a strong monitoring system built into any repayment plan as well as a net increase in overall collection rates.

¶16. (U) Germany noted that it had previously supported the creation of a repayment mechanism, though it did not yet have current guidance from Berlin. The Germans urged that the issue not be made too complicated and that simple guidelines be approved in relatively short order.

¶17. (U) Italy, rather unhelpfully, said that the long-term arrears problem was negligible in terms of its overall impact on OPCW budget and that attention should also be focused on SPs that have not yet lost their voting rights but are late in making their payments. Spain was supportive of the consultations and reminded delegations that creating a mechanism to address countries in arrears would not absolve SPs of their responsibility to pay on time. Austria was also supportive, but urged that the process be kept simple.

¶18. (U) Russia was supportive of the idea of addressing a repayment mechanism, provided that there be no part of the mechanism that would allow for debts being written off and in no way would alter SPs obligations to pay their assessed contributions.

¶19. (U) The U.S. said that it would have to be clear that any State that engaged in a repayment plan with the TS was getting a "one-time" chance, and that if that SP did not meet its obligations under the approved repayment plan, there would be no second chance. The U.S. also noted that it would have liked to have seen more delegations at the consultation representing the regional groups most seriously affected.

¶20. (U) The UK said they were also generally supportive of creating a repayment mechanism but expressed some concern about an automatic linkage between entering into a repayment plan and regaining voting rights. Canada noted that it had no guidance yet and expressed disappointment at the attendance at the consultation.

¶21. (U) Japan asked if the Financial Rules would need to be amended if a new repayment mechanism would allow the TS to credit an SPs current year assessment rather than its oldest debts as is currently done. Martin said that this would have to be done if that were to be how the mechanism were to work.

¶22. (U) Italy chimed in again and said that any plan would have to address SPs that had not yet lost their voting rights but were behind on their payments. The U.S. responded that any plan under consideration would have to be kept relatively simple and focus on SPs that have long-term outstanding debts. The U.S. also suggested that in terms of process, the EC should develop guidelines but that it should be the TS, or more specifically the DG, who makes a recommendation to the EC and CSP on any repayment plan. The plans should not be negotiated in the EC.

¶23. (U) Canada urged that any plan should be simple and involve an SP pledging to pay its current year's assessment and then a set percentage of its outstanding bill, i.e., 20 percent over five years. Any guidelines for repayment plans should be so simple as to minimize the need for extensive negotiations with the TS, according to Canada.

¶24. (U) The facilitators announced that the next consultation will be in early-May when they hope to go through their non-paper in a systematic fashion.

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ARTICLE X  
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¶25. (U) Article X consultations were held on March 30, where the facilitator Hans Schramml (Austria) introduced the new Head of the Assistance and Protection Branch, Gennadi Lutay. Lutay gave delegates information on activities held in the first quarter of 2006, including a course in Spain for Latin American countries and others held in Colombia and Montevideo. He reported that during these courses, Article X submissions and their due dates were covered. He gave information on the Triplex Exercise being held in Finland, September 2-8, 2006, reporting that there would be a limited OPCW team participating. John Makhubalo attended the meeting and reported that Paragraph 4 and 7 questionnaires are available on the OPCW website and that the TS has been proactive sending reminders to SPs reminding them of their obligations to complete the information. He also reiterated Lutay's comment about distributing information during Assistance and Protection courses. He requested SPs look at their regional groups to see where they could provide encouragement to those who haven't yet completed the questionnaires. (NOTE: It seems the TS is working along the lines of the talking points the U.S. delivered at the last meeting. END NOTE.)

¶26. (U) Schramml opened consultations to delegations. India requested more information on Triplex and the reason for OPCW participation. The TS informed them of the scenario and that it is a valuable training tool for the ACAT team.

¶27. (U) UK Paper - Paragraph 4  
The revised UK non-paper was distributed. Delegations noted they will use this as a guideline for future discussions. The U.S. suggested revisions for Paragraph 4 to state the



specific number of submissions and a change of wording from "in a timely fashion" to "without delay." Delegations seemed fine with the first suggestion, but believe the use of "without delay" is a contradiction of the 120-day deadline. Overall, delegations feel this topic should be tabled until after the April 30 deadline for submissions in order to gauge the response rate at that time.

128. (U) UK Paper - Paragraph 5

Delegations had concerns over the words "to finish setting up the databank" as they feel the database is a living document and will never be finished. The TS responded in the affirmative; the UK noted this reference is to the physical set up of the databank, not the inclusion of information. Schramml noted that the Netherlands has made a voluntary contribution to the database for the current year that pays for one person, who is currently at work populating the database. He did note that further voluntary contributions were necessary to continue this work past the current year. Italy wanted clarification on what is included in the databank and a discussion of the criteria for information to be included. Delegations asked the TS to report on the current status of the database, in particular wanting to know if the proposed deadline was achievable.

129. (U) UK Paper - Qualified Experts

France noted that the role of Qualified Experts is not defined and that the UK paper can be used to start that process. Italy requested a distinction should be made between experts on Article X and Article XI; they should not be in one document. Also, further discussion should be made on the Protection Network; they feel Qualified Experts and Protection Network should be separated. India and France concurred and the UK took the point. Canada suggested changing "make recommendations to the Council" to "make proposals to the Council."

130. (U) Canada Paper - APB Activities

Canada submitted its paper (sent by e-mail on the unclassified system on April 3). There was no discussion,

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but Canada noted they are primarily interested in "timely and detailed reports on these programme activities, including information on the nature and purpose of each activity, the OPCW financial and personnel resource commitments involved, and the number of SPs and/or individuals which would benefit."

131. (U) Article X and XI Implementation Report

The U.S. asked about the status of the report on Article X and XI Implementation. Makhubalo noted that they have finished compiling the material and understand SPs want to comment. They want to postpone putting it out until the July EC to give SPs time to comment. Iran noted its belief that an earlier discussion, which recommended two separate reports, the TS acknowledged this, but noted that the report is in three parts, Article X, Article XI and Implementation Support. If the report were split, they asked where delegations would want Implementation Support to go. Iran replied that it should go to Article VII; the TS said they could do that. There was no further discussion on this topic.

132. (U) Schramml noted the next consultations would held on April 11 and would focus on the Databank, its criteria, access and the UK language. The second topic would be the Canadian paper. He further noted that on April 28, the TS would give a briefing on Joint Assistance Exercise 2005.

133. (U) Javits sends.

ARNALL